

REMARKS

Claim 13 and 14 have been amended to overcome the objections stated on page 2 of the Office Action.

The present invention relates to a composition for treating chronic pain, the composition comprising a low dose of a tricyclic antidepressant compound and a standard dose of a non-narcotic analgesic, in a pharmaceutically acceptable vehicle for oral administration. The applicant has discovered that this combination provides surprisingly effective relief of chronic pain.

The Caruso reference teaches the treatment of neuropathic pain with the combination of an antidepressant and an NMDA receptor antagonists. Caruso further teaches that literally dozens of other pharmacologically active substances can be used with the anti-depressant and nontoxic NMDA receptor antagonists, including non-narcotic analgesics.

Accordingly, claim 9 herein has been amended to recite that the claimed composition consists essentially of, rather than comprises, a low dose of tricyclic anti-depressant and a standard dose of a non-narcotic analgesic. The compositions of the Caruso reference all include a substantial portion of another active ingredient, namely, an NMDA receptor antagonist. Accordingly, Caruso does not anticipate claim 9, as amended. As claim 9 is not anticipated, claims 10-15 which depend from claim 9 also are not anticipated.

Further, it is respectfully pointed out that claim 10 recites that the composition is provided in a daily dose form of from about 2.5-25 mg daily. While the Caruso examples indicate unit doses of 25 mg of various tricyclic antidepressants, Caruso teaches at page 5, lines 20-24 that a daily dose of tricyclic antidepressant is in the range of from about 50-360 mg/day, outside the range of claim 10. Accordingly, claim 10 is not anticipated for this additional reason.

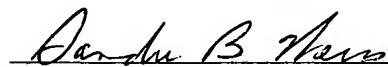
Claim 10 is amended for purposes of placing the claim in appropriate language for a composition claim rather than a method claim. This amendment is not intended to change the scope of the claim.

As noted in the response and preliminary amendment mailed June 20, 2005 in this case, claim 1 has been amended to depend from claim 9. As noted at pages 3-4 of the Office Action of June 3, 2005, once a product claim is found allowable, "withdrawn process claims that depend from or otherwise include all the limitations of the allowable product claim will be rejoined in accordance with the provisions of MPEP § 821.04. Process claims that depend from or otherwise include all the limitation of the patentable product will be entered as a matter of right if the amendment is presented prior to final rejection or allowance, whichever is earlier."

Accordingly, it is respectfully requested that previously withdrawn claims 1-8 be rejoined in the application and be fully examined for patentability.

Also submitted herewith a Supplemental Information Disclosure Statement, citing reference U.S. 4,579,846, which was cited in the PCT application corresponding to this case.

Respectfully submitted,



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